

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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ALLRICH JEAN, as Administrator for	:	
THE ESTATE OF ARMANI FAISON,	:	
Plaintiff,	:	
v.	:	Civ. No. 2:22-cv-00433
THE CITY OF PHILADELPHIA,	:	
Defendant.	:	

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**PLAINTIFF’S PETITION TO APPROVE SETTLEMENT AND DISTRIBUTION OF  
WRONGFUL DEATH AND SURVIVAL ACTIONS PERTAINING TO THE ESTATE  
OF ARMANI FAISON**

Plaintiff and Petitioner Allrich Jean, individually and as Administrator of the Estate of Armani Faison, Deceased, by and through his attorneys respectfully represents:

1. Petitioner is Allrich Jean who was appointed as Executor of the Estate of Armani Faison on June 15, 2021 by the Register of Wills of Philadelphia County, in the Commonwealth of Pennsylvania. A Short Certificate is attached hereto and marked as Exhibit A.
2. On February 3, 2021, Petitioner filed a Complaint against Defendants on behalf of the Estate of Armani Faison as well as on his own behalf in United States District Court, Eastern District of Pennsylvania. The suit alleged that Defendants violated the decedent’s constitutional rights resulting in his death.
3. The Decedent, Armani Faison was born on February 27, 1986 and died on March 27, 2021.
4. On August 3, 2023, Plaintiff entered into a settlement agreement with Defendants in the amount of \$2,000,000.00 with a release. See attached executed release marked as Exhibit B.
5. Counsel is of the professional opinion that the proposed settlement is reasonable and appropriate.
6. Petitioner is also of the opinion that the settlement is reasonable and appropriate.

7. Counsel has incurred costs and expenses in the total amount of \$16,048.26 for which reimbursement is sought. A copy of the costs and expenses are attached hereto and marked as Exhibit C.

8. Counsel requests attorney's fees in the amount of \$800,000.00 which represents forty (40%) of the gross settlement. A copy of the Contingency Fee Agreement signed by Petitioner, Allrich Jean is attached hereto as Exhibit D. Counsel believes the requested fee is reasonable based upon the complexity and difficulty of the case, and risk involved in accepting this case. Because of the difficulty of the case and the amount of work involved, the forty (40%) percent fee agreement was agreed to by all parties. Additionally, this fee is to be shared in equal parts by McEldrew Purtell and The Rogers Law Firm PLLC.

9. Following payment of attorney's fees and costs, the remaining settlement funds total \$1,183,951.74. Petitioner requested the allocation of the proceeds of the settlement after deduction of costs and attorney fees from the Pennsylvania Dept. of Revenue as follows:

<b>For Wrongful Death Claim (60%)</b>	<b>\$</b>	<b>710,371.04</b>
<b>For Survival Action (40%)</b>	<b>\$</b>	<b>473,580.70</b>

10. The requested allocation of the proceeds between the Wrongful Death Claim and Survival Action are in light of the fact that the loss of future services, support, society, comfort, affection, and contributions of the Petitioner's decedent that Petitioner now has to endure outweighs the pain and suffering for the survival action. Furthermore, Pennsylvania policy "favors wrongful death beneficiaries over estate beneficiaries." *Smith v. Sandals Resort Int'l Ltd.*, 709 F. Supp. 2d 350, 358 (E.D. Pa.2010).

11. Petitioner submitted a request to the Pa. Dept. of Revenue on August 9, 2023, but has not received a response to date. Petitioner will supplement any response by the Department of Revenue as an exhibit to this petition upon receipt of the same.

**WHEREFORE**, Petitioner prays that he be permitted to enter into the settlement recited above, and that the Court enter an Order of Distribution within thirty (30) days as follows:

Distribution of \$2,000,000.00:

**James J. McEldrew III and Associates (d/b/a McEldrew Purtell)**

<i>Attorney's Fees</i>	\$400,000.00	
<i>Costs</i>	\$16,048.26	
<b><i>Total:</i></b>		<b>\$ 416,048.26</b>

**The Rogers Law Firm PLLC**

<i>Attorney's Fees</i>	\$400,000.00	
<b><i>Total:</i></b>		<b>\$ 400,000.00</b>

**Allrich Jean**

<i>Wrongful Death Beneficiary</i>		<b>\$ 710,371.04</b>
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**Allrich Jean, as Administrator of the Estate of Armani Faison**

<i>Survival Damages</i>		<b>\$ 473,580.70</b>
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<b>TOTAL:</b>		<b>\$ 2,000,000.00</b>
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Respectfully Submitted,

/s/ John J. Coyle

John J. Coyle, Esq.

MCELDREW PURTELL

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Allen Rogers, Esq.

THE ROGERS LAW FIRM PLLC

111 Person St.

Fayetteville, NC 28301

Date: September 4, 2023

**CERTIFICATE OF SERVICE**

I certify that the foregoing Petition to Approve Settlement was served via the Court's electronic filing system and thereby served upon all parties of record.

/s/ John J. Coyle

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**ORDER**

AND NOW, this \_\_\_\_ day of \_\_\_\_\_, 2023 upon consideration of the Plaintiff's Petition for Approval of Wrongful Death and Survival Action Pertaining to Estate of Armani Faison, deceased filed on February 3, 2022 is hereby ORDERED and DECREED that Petitioner is authorized to enter into a Settlement with Defendants and the settlement drafts/checks which shall be forwarded to Plaintiff's Counsel are to be made payable to James J. McEldrew III, & Associates in the agreed-upon amounts of \$2,000,000.00 on behalf of Defendants. It is further ORDERED and DECREED that the settlement proceeds are allocated at follows:

<b>For Wrongful Death Claim</b>	<b>\$</b>	<b>710,371.04</b>
<b>For Survival Action</b>	<b>\$</b>	<b>473,580.70</b>

It is further ORDERED and DECREED that distribution of the settlement proceeds will take place within thirty (30) days as follows:

Distribution of \$2,000,000.00:

To:	McEldrew Purtell		
	For Attorney Fees	\$	400,000.00
	For Case Cost Reimbursement	\$	16,048.26
To:	Rogers Law Firm, PLLC		
	For Attorney Fees	\$	400,000.00

To: Allrich Jean

For Wrongful Death \$ 710,371.04

To: Allrich Jean as Administrator of the Estate of Armani Faison

For Survival Claim \$ 473,580.70

The survival claim shall be paid to Allrich Jean as Administrator of the Estate of Armani Faison, deceased; provided, however, that counsel shall not distribute any funds to the aforementioned until additional security as may be required by the Register of Wills pursuant to 20 Pa.C.S. §3323(b)(3) and §3392 is posted.

Within sixty (60) days of the entry of this final Order, counsel shall file on the docket an Affidavit from counsel certifying compliance with this order.

BY THE COURT:

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Nitza I. Quiñones Alejandro, J.